

The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

**Commissioners on
Uniform State Laws**

FOR THE

YEAR ENDING NOVEMBER 30, 1947



The Commonwealth of Massachusetts

THIRTY-NINTH ANNUAL REPORT OF THE COMMISSIONERS ON UNIFORM STATE LAWS

To His Excellency, The Governor, and the Honorable Council of the Commonwealth of Massachusetts:

In compliance with General Laws we have the honor to submit herewith our Annual Report for the year ending November 30, 1947.

Throughout the year the Commissioners have been Willard B. Luther, Chairman, John A. Daly and Jean Sisson.

The National Conference of Commissioners held its fifty-seventh annual meeting in Cleveland, Ohio, September 15 to 20, 1947. Some ninety-seven Commissioners and about four associate members from forty states and the District of Columbia and Puerto Rico attended. The conference elected the following officers:

Albert J. Harno, Illinois, President

Sherman R. Moulton, Vermont, Vice President

Barton H. Kuhns, Nebraska, Secretary

Boyd M. Benson, South Dakota, Treasurer

Howard L. Barkdull, Ohio, Chairman

Executive Committee

At the convention the following matters were presented for consideration and action:

1. Further progress was made towards completing the revised "Commercial Code," reference to which was made in your Commissioners' report last year. As a matter of fact, about one half of the time of the convention was devoted in analyzing and clarifying three important divisions of the Commercial Code, namely, the Investment Securities Act, Letters of Credit and Negotiable Instruments. It is hoped that the entire Commercial Code will be completed by 1949 or 1950.

2. We quote from the report of the Secretary of the Conference of Commissioners on Uniform State Laws Relative to the presentation and action taken on the Uniform Divorce Recognition Act. He states as follows:

"The Uniform Divorce Recognition Act was approved by the Conference at Cleveland with the provision that at such time as the Executive Committee might determine was appropriate, the Act would be submitted to the American Bar Association for approval.

"The action of the conference was prompted by the thought that we would not wish to recommend an Act to the American Bar Association, or urge its promulgation among the states, until there is an opportunity to study the opinions of the Supreme Court in additional cases which, at the time of the annual meeting, were expected to be for early argument in the Supreme Court."

The cases referred to have now been argued, and when the opinion or opinions are handed down, the draft which the Conference approved at Cleveland will be studied by the Executive Committee in the light of the opinions thereupon. In view of these developments we shall in our next report advise the final action taken on this Act.

3. Several other acts were presented for consideration, but it appears to us that none of them require attention at this time.

UNIFORM ACTS ADOPTED BY MASSACHUSETTS

This State has already adopted twenty-two Uniform State Acts approved over a period of time by the Conference of Commissioners on Uniform State Laws. It is believed that all of these have been beneficial to our jurisprudence.

RECOMMENDATIONS OF COMMISSIONERS

At the present time we recommend, after further consideration, passage of the Uniform Joint Tortfeasors Act which was defeated in the Senate during the last session of the General Court. As stated in an earlier report of the Commissioners "this Act fills a gap in our laws relating to injuries to persons and property." We shall, therefore, recommend it to the next legislature. We still are hopeful that by 1949 or 1950 the Commissioners will be in a position to present and recommend for passage the Commercial Code.

APPROPRIATION

The Commissioners serve without compensation. In view of the fact that the Conference of Commissioners for the year 1948 will be held in Seattle, Washington, the budget of the Commission for the current year is somewhat larger than usual. It is estimated that the requirements for the Commission for the year July 1, 1948 to June 30, 1949 will amount to \$1,375 made up as follows:

1	Contribution to National Conference as authorized by Statute	\$400.00
2.	Publishing Annual Report	25.00
3.	Stationery, telephones and telegrams	50.00
4.	Expenses of Commissioners to Annual Conference in Seattle, Washington, September 1948 at \$300 each	900.00
		<hr/>
		\$1,375.00

The Commissioners respectfully request an appropriation for the fiscal year commencing July 1, 1948 in the amount of \$1,375.

Respectfully submitted,

/s/ WILLARD B. LUTHER
WILLARD B. LUTHER
/s/ JEAN SISSON
JEAN SISSON
/s/ JOHN A. DALY
JOHN A. DALY

December 15, 1947